

Amendments to the Drawings:

The attached two replacement sheets of drawings include changes to Figs. 1, 3, and 4 and add a new Fig. 5. These sheets, which include Figs. 1 through 5, replace the original four sheets including Figs. 1 through 4. In Fig. 5, a cross-sectional view of a portion of the EL lamp of Fig. 4 is depicted.

REMARKS

Claims 1-20 are currently pending. Claims 10 and 13-20 have been amended by the foregoing amendment. It is respectfully submitted that the amendment to the claims is not a narrowing amendment. Claims 7-9 have been allowed, and claims 4 and 14-18 were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for her careful examination and her indication of allowable subject matter. Applicant respectfully requests reconsideration of the remaining claims, which Applicant submits are also allowable.

Objection to the Drawings under 37 C.F.R. § 1.83(a)

The Office Action contained objections to the drawings on the basis of failing to show every feature of the invention specified in the claims. The objections to the drawings were also made on the basis of failing to show elements 8 and 9 as two separate layers, as described in the specification. The Office Action requested an additional drawing showing the side view of the invention, so that particular layers can be identified. Corrected drawing sheets were requested.

In response, Applicant has amended the drawings by the foregoing amendment. The enclosed drawings are formal drawings to replace the previously submitted informal drawings. In addition, Figs. 1, 3, and 4 have been amended to show elements 8 and 9 as separate layers. New Fig. 5 has been added to show a side view so that the various layers can be identified. The specification has also been amended accordingly. Applicant respectfully submits that no new matter has been introduced by the foregoing amendment. Applicant respectfully submits that the enclosed corrected drawing sheets and the annotated sheets showing changes are in compliance with 37 C.F.R. §§ 1.83, 1.84, and 1.121(d).

Rejection under 35 U.S.C. § 102(b)

Claims 1 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,851,734 (“Hamai”). Applicant respectfully requests reconsideration of the rejection in view of the following remarks.

Anticipation of a claim requires a showing that each and every limitation of the claim is found in a single prior art reference. MPEP § 2131, citing *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 827 (1987). Furthermore, to anticipate a claim, “a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter.” *PPG Indus. v. Guardian Indus. Corp.*, 75 F.3d 1558, 1566 (Fed. Cir. 1996) (emphasis added), *aff’d, reh’g denied, reh’g en banc denied*, 156 F.3d 1351 (Fed. Cir. 1998). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Court decisions applying this standard are legion.

Applicant respectfully submits that Hamai fails to anticipate Applicant’s claims because Hamai fails to disclose each and every element of Applicant’s claims and fails to enable one skilled in the art to make the subject matter of Applicant’s claims. In particular, Hamai fails to disclose an electroluminescent lamp. Rather, Hamai discloses a fluorescent lamp. The present application describes an over current fusible link to protect an EL lamp from catastrophic or destructive failure caused by an anomaly. A fluorescent lamp would not fail in a catastrophic or destructive way as an EL lamp has potential to do because of how it works (*i.e.*, the electrodes in a fluorescent lamp are separated by an inert gas) and the materials used in construction (*i.e.*, mainly glass). Hence, a fluorescent lamp would not be suited for such a fuse mechanism being built into the lamp. Accordingly, the fluorescent lamp of Hamai fails to anticipate Applicant’s claims under 35 U.S.C. § 102(b), and the rejection of claim 1 should be withdrawn.

In addition, Hamai fails to disclose the limitation of “a first integral fusible link between a first electrode input power contact and the first section of transparent, electrically conductive material,” and “a second integral fusible link between a second electrode input power contact and the second section of transparent, electrically conductive material” as recited in Applicant’s independent claim 1.

The Office Action suggested that the first integral fusible link and the second integral fusible link were disclosed by the thinner portion of the lead-in wires 4, 4 of Hamai’s Figure 5. The Office Action suggested that since the thinner portion is thinner than the main wire, it allows certain voltage to pass through it which is smaller in magnitude than the voltage that could pass through the main connection (4), and once overvoltage occurs, the wire is likely to melt and result in no voltage reaching the rest of the circuitry.

Applicant respectfully submits that the Examiner’s suggestion that the wire is likely to melt fails to meet the strict standard for anticipation as required by 35 U.S.C. § 102(b). Inasmuch as Hamai is silent as to the claimed limitations, the Office Action appears to rely on a theory of inherency in the rejection under 35 U.S.C. § 102(b). That a certain result or characteristic *may* occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 U.S.P.Q.2d 1955, 1957 (Fed. Cir. 1993). Thus, the possibility that a limitation could be present does not mean that the limitation is necessarily present.

Furthermore, the lead-in wires 4, 4 of Hamai are simply a means to connect power to the device. They are not designed to function as a protective component. The lead-in wires 4, 4 of Hamai would not fail in a safe way, as Applicant’s fusible links advantageously would. Accordingly, the rejection of claim 1 should be withdrawn.

With respect to independent claim 10, Applicant respectfully submits that Hamai disclose each and every element of Applicant’s claims and fails to enable one skilled in the art to make the subject matter of Applicant’s claims. In particular, Hamai fails to

disclose providing a first integral fusible link and providing a second integral fusible link, for the reasons described above. Moreover, Hamai fails to disclose the act of “depositing a transparent, electrically conductive material onto a surface of a substrate to form a pattern comprising a first section of transparent, electrically conductive material and a second section of transparent, electrically conductive material” as recited in claim 10. Indeed, Hamai makes no reference whatsoever to depositing said material or forming said pattern.

Moreover, claim 10 is directed to a method of manufacturing an electroluminescent lamp. Hamai does not disclose a method of manufacturing an electroluminescent lamp. Instead, Hamai discloses a fluorescent lamp. As discussed above, a fluorescent lamp would not benefit from a fusible link being built into the lamp. Accordingly, the strict standard for anticipation under 35 U.S.C. § 102(b) is not met. Hence, the rejection of claim 10 should be withdrawn.

Rejection under 35 U.S.C. § 103(a)

Claims 2, 3, 5, 6, 11, 12, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Hamai in combination with U.S. Publication No. 2003/0168967 (Ikeda). Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Hamai in combination with the Jabbour article. Applicant respectfully requests reconsideration of the rejections in view of the following remarks.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974); *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Applicant respectfully submits that the purported combinations of references fail to render Applicant’s claims obvious. As explained above, Hamai fails to disclose each and every limitation of Applicant’s independent claims 1 and 10. Hence, even if

combined, Hamai and Ikeda, and Hamai and Jabbour, fail to provide an enabling disclosure of Applicant's invention as claimed in claims 2, 3, 5, and 6 (which depend from claim 1) and claims 11, 12, and 19 (which depend from claim 10).

Moreover, in order to establish *prima facie* obviousness, there must be some suggestion or motivation to combine reference teachings. MPEP § 2143. In the present case, Hamai is directed to a fluorescent lamp; Ikeda, however, is directed to EL (electroluminescent) elements, and Jabbour is directed to LEDs (light-emitting-devices). These are different technologies from each other and are in different fields of endeavor. An LED is a DC (direct current) semiconductor device comprising an anode and cathode. An LED would not benefit from protection from an AC voltage surge. Accordingly, Applicant respectfully submits that the cited references represent nonanalogous arts which are not properly combined. Applicant therefore respectfully submits that the cited references fail to render Applicant's claims obvious.

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Based on the above, Applicant respectfully submits that the claims are allowable over the cited references, and requests a Notice of Allowance at the earliest possible date. If the Examiner should have any questions or comments regarding the present application, the Examiner is requested to contact the undersigned representative at 512-473-2550.

Respectfully submitted,



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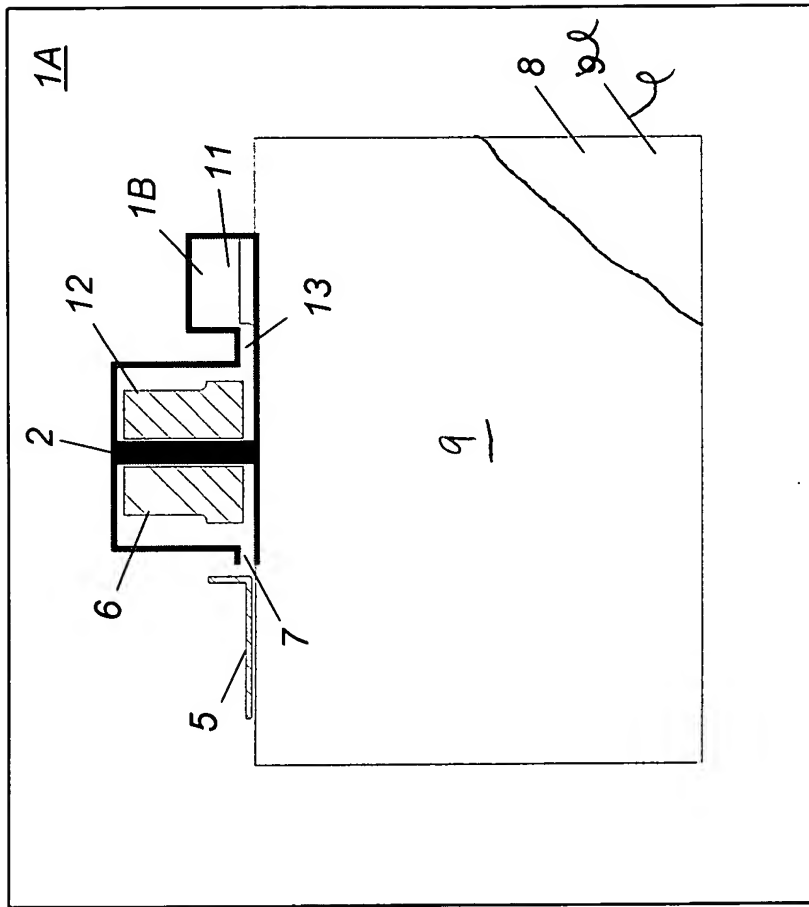


FIG. 3

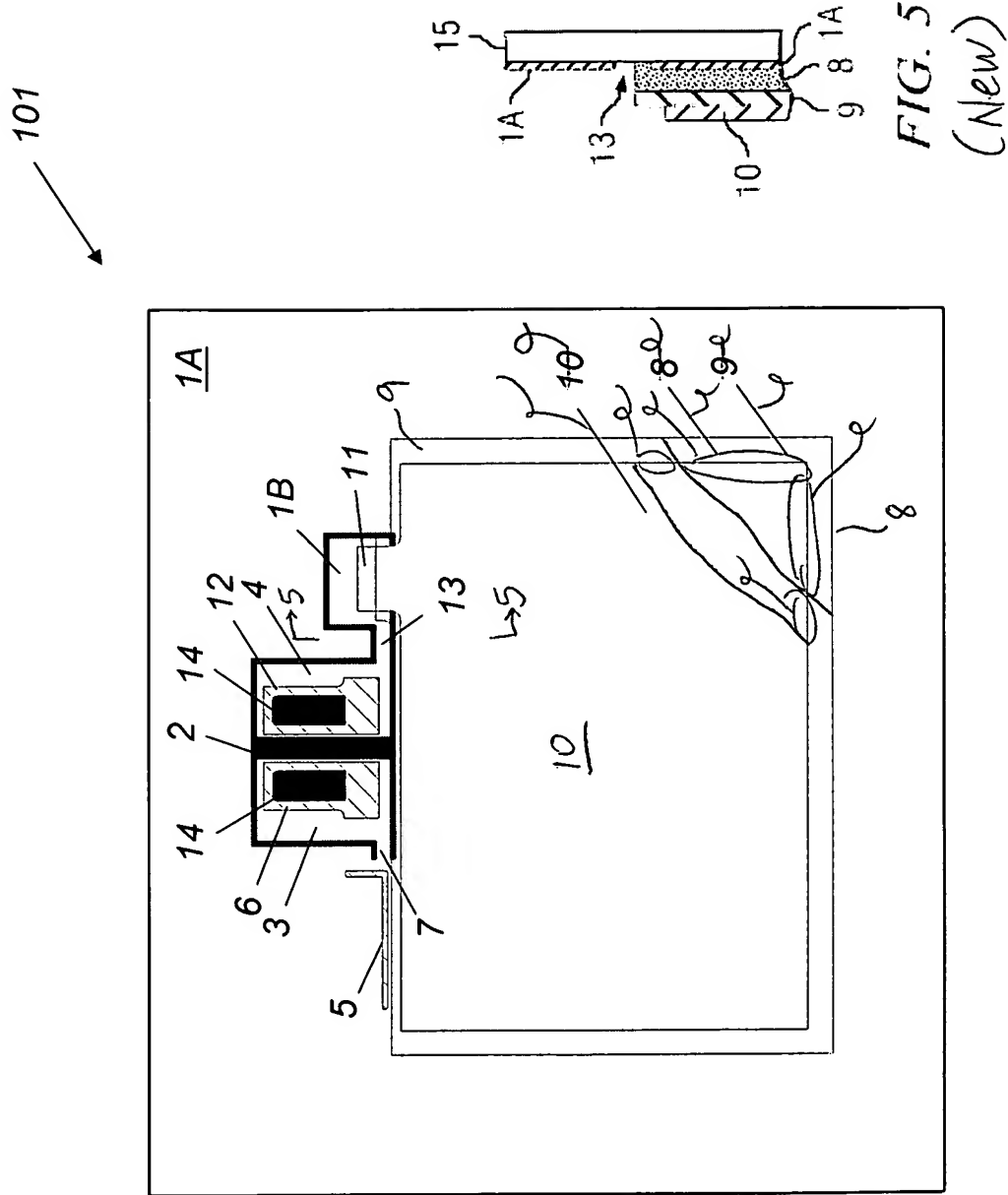


FIG. 4